Before the Federal Communications Commission Washington, D.C. 20554

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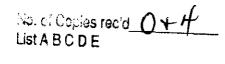
)	
In re:)	
)	
Amendment of Section 73.202(b))	MB Dkt No. 05-144
Table of Allotments)	RM-11189
FM Broadcast Stations)	
Dalhart and Perryton, Texas)	
- ,)	

MOTION FOR TEMPORARY STAY OF PROCEEDINGS

Perryton Radio, Inc., licensee of station KEYE-FM (Perryton, Texas) hereby moves for a temporary stay of the above-referenced proceedings. As set forth below, a stay would serve the public interest by enabling Perryton to evaluate and respond to a proposal that may have a significant impact on KEYE and the public at large.

Radio Dalhart, licensee of station KXIT (Dalhart, Texas), apparently petitioned for a rulemaking, seeking to force station KEYE to change frequencies.

Dalhart did not discuss the matter with Perryton or inform Perryton of its intentions, and neither Perryton Radio nor the station itself received a copy of that petition. The Commission subsequently issued a Notice of Proposed Rulemaking and Order to Show Cause seeking to determine whether Dalhart's petition – and the proposed involuntary relocation of station KEYE – would be in the public interest. Again, neither Perryton Radio nor the station itself received a copy of that notice, nor were they otherwise informed of its substance. Dalhart never consulted with Perryton about the proposed relocation, or sought Perryton's consent. Perryton Radio only learned of the petition and



of the proposed rulemaking less than a week ago, from a third party engineer who happened across it by chance.

It would appear that the rulemaking petition and notice of proposed rulemaking may have been served on an old address (on Colshire Road in McLean, VA) that Perryton Radio has not used for several years. Perryton properly changed its address after the move, and the correct address for Perryton Radio (on Hawkins Way in Alexandria, VA) is shown on the attached print-out from the Commission's own electronic records.

Perryton has only now been presented with Dalhart's proposal. It would appear on its face that the proposal could cause substantial dislocation and cost on Perryton, and on its community. Perryton Radio has for over 25 years closely associated station KEYE-FM with the "96" frequency. From the late 1970s through the 1990s, KEYE-FM was known to listeners as "FM-96." The station is now known as "Classic Hits 96.1." From inception, its frequency has been an integral part of station KEYE's identity and brand, and listeners now expect to find KEYE's programming at that location on their radio dial.

It is possible that the relocation of KEYE and substitution of KXIT on KEYE's old frequency could dramatically decrease the listenership and value of station KEYE. It is likewise possible that the move could harm KEYE's listeners, and the Perryton community, in any number of ways. And it is far from clear whether the proposed relocation of station KEYE is actually necessary to accomplish the upgrade of station KXIT, or whether an alternative might be available. However, because it received the

proposal only a week ago, Perryton has not yet had a chance to study the proposal, or to determine whether it should consent or object to the proposal.

Accordingly, Perryton Radio, Inc. respectfully requests that the Commission temporarily stay and hold in abeyance the above-referenced proceedings for a period of thirty days from the date of this letter. This period is necessary to allow Perryton an opportunity to fully evaluate the proposal's likely technical and economic impact, as well as its legal basis, and to develop an appropriate response. Grant of this motion plainly will be in the public interest, as it will enable meaningful participation by the party whose license the Commission seeks to modify. That participation may bring to light important information and perspectives that will help the Commission discern the public interest. The Commission should grant this motion, and should hold the instant proceedings in abeyance through December 9, 2005, or such later date as the Commission may deem appropriate.

Respectfully submitted,

William Carnell

Counsel to Perryton Radio, Inc.

715 Hawkins Way

Alexandria, VA 22314

703-307-8482

November 8, 2005

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Certificate of Service

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I, William S. Carnell, hereby certify that the attached Motion for Temporary Stay of Proceedings was served on the following by U.S. Mail, postage prepaid, on this the eighth day of November, 2005:

Peter Gutmann, Esq. Womble, Carlye, Sandridge & Rice, PLLC 1401 I Street, NW Seventh Floor Washington, DC 20005

John Karousos, Assistant Chief Audio Division, Media Bureau Federal Communications Commission 445 12th Street SW Washington DC 20554

William S. Carnell

Exhibit A Perryton Radio Address of Record



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Station Search Details

Call Sign:

KEYE-FM

Facility Id:

52329

Community of License:

PERRYTON, TX

Service:

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Fac Type:

FM STATION

Status:

LICENSED

Status Date:

12/29/1999

Frequency:

96.1

Channel:

241

Digital Status:

Lic Expir:

08/01/2013

Licensee:

PERRYTON RADIO, INC.

Address:

C/O SHARON ELLZEY

Address 2:

717 HAWKINS WAY

City:

ALEXANDRIA

State:

VA

Zip Code:

22314 -

Phone Number:

Engineering Data

View Engineering Data

Call Sign History

View Call Sign History

FRN History

View FRN History

Correspondence

Folder

View Correspondence Folder